



ACTIVITY REPORTING AND PROPOSAL FORM

JUDICIAL COUNCIL DIRECTIVES AOC RESTRUCTURING

DATE	1/25/2013
PREPARED BY	Chad Finke
OFFICE NAME	<u>Court Operations Special Services Office</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	69
JUDICIAL COUNCIL DIRECTIVE	E&P recommends that the Judicial Council direct the ADOC to evaluate the extent to which financial and personnel support for the Jury Improvement Project should be maintained, recognizing the high value of the project to the judicial branch, especially because jury service represents the single largest point of contact between citizens and the courts.
SEC RECOMMENDATION	<p>The Jury Improvement Project is of high value to the judicial branch, especially as jury service represents the single largest point of contact between citizens and the courts. The Judicial Council should evaluate the extent to which financial and personnel support for the project should be maintained.</p> <p>See recommendation 145 for Fund Development Group recommendation.</p>
RESPONSE (check applicable boxes)	
<input checked="" type="checkbox"/> This directive has been completed and implemented:	
On January 25, 2013, the Administrative Director signed a memorandum approving a staff recommendation to maintain the current level of staff support--1.0 FTE--for the Jury Improvement Program. A copy of that memorandum is attached.	
<div style="border: 1px solid gray; padding: 5px;"><p>Memo closing directive 69.pdf Adobe Acrobat Document 237 KB</p></div>	
<input type="checkbox"/> This directive is forwarded to the Judicial Council with options for consideration:	
<div style="border: 1px solid gray; height: 20px; width: 100%;"></div>	
<div style="border: 1px solid gray; padding: 5px;"> File Attachment</div>	
<input type="checkbox"/> Other:	
<div style="border: 1px solid gray; height: 20px; width: 100%;"></div>	

 File Attachment

TIMELINE AND RESOURCES FOR IMPLEMENTATION

IMPLEMENTATION DATE OR PROJECTED IMPLEMENTATION DATE

1/25/2013

RESOURCES REQUIRED FOR IMPLEMENTATION

No new or additional resources are required for implementation. Historically, 1.0 FTE--a Senior Court Services Analyst--has been dedicated to the Jury Improvement Program, and the Administrative Director has approved continuing to support the program at that same level.

ADDITIONAL IMPLEMENTATION INFORMATION (complete only applicable sections)

PROCEDURES/ POLICIES UPDATED OR DEVELOPED

 File Attachment

TRAINING UPDATED OR DEVELOPED

 File Attachment

SAVINGS

 File Attachment

COST

 File Attachment

EFFICIENCIES

 File Attachment

SERVICE LEVEL IMPACT

Staff support for the Jury Improvement Program will remain at the same historic level that it has been at, as discussed in full in the attached memorandum.

 File Attachment

OTHER

 File Attachment

ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL

ADOC REVIEW

Administrative Director of the Courts Review Date: 2/7/2013

EXECUTIVE AND PLANNING (E&P) COMMITTEE REVIEW

E&P REVIEW

Executive and Planning Review Date: 2/14/2013



Judicial Council of California

ADMINISTRATIVE OFFICE OF THE COURTS

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MEMORANDUM

Date

January 24, 2013

Action Requested

Please approve "completed" status for directive 69


To

Hon. Steven Jahr, Administrative Director of the Courts

Deadline

At your convenience

From


Curtis L. Child, Chief Operating Officer

Contact

Chad Finke, Director
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Chad Finke, Director, Court Operations
Special Services Office

Subject

Judicial Council Directive 69 Re Jury
Improvement Program

Introduction

The purpose of this memorandum is to request that you (a) approve maintaining the current level of staff support for the Jury Improvement Program, and (b) direct staff, during the next reporting cycle, to submit a "completed" status for directive number 69 of the directives given by the Judicial Council at its meeting of August 31, 2012, regarding restructuring of the Administrative Office of the Courts (AOC). That directive arose from a recommendation by the council's Executive and Planning Committee (E&P) which read, in its entirety, as follows:

E&P recommends that the Judicial Council direct the ADOC to evaluate the extent to which financial and personnel support for the Jury Improvement Project should be maintained, recognizing the high value of the project to the judicial branch, especially because jury service represents the single largest point of contact between citizens and the courts.

Background and History of the Jury Improvement Program

By way of background, the Judicial Council created the Jury Improvement Program (JIP) in 1995 to undertake improvements to all aspects of the jury system, including efficient juror utilization, care and treatment of jurors, citizen expectations about jury service, juror comprehension and education, and trial efficiency. Along with working directly with the courts to promote improvements in the administration and management of jurors, one continuing hallmark of the program is the staff support provided to a number of advisory groups charged by the council with providing policy recommendations for improving the state's jury system. The JIP grew from the work of the Blue Ribbon Commission on Jury System Improvement, created by the Chief Justice of California and the Judicial Council, with the State Bar of California and the California Judges Association as supporting sponsors. The commission, as directed, undertook a thorough and comprehensive review of all aspects of the jury system. The council's subsequent Task Force on Jury System Improvements (1998–2002) oversaw implementation of the commission's 60 recommendations. With the sunset of the Task Force's ongoing activities, its members urged that implementation efforts continue for certain recommendations that had not been successful, in particular rule-related proposals. This in turn led to the creation of the Steering Committee for Jury Rule Proposals, a committee of judicial officers formed in 2005 to oversee the comment and approval process for a number of jury-related rules of court adopted and approved by the Judicial Council in 2006.

Seeing a continued need to review jury management policies, the Trial Court Presiding Judges Advisory Committee (TCPJAC) and the Court Executives Advisory Committee (CEAC) formed a Joint Working Group on Jury Administration in 2007, which was staffed by JIP staff. Guided by the strategic and operational goals of the judicial branch, as well as the recommendations of the commission and task force, the working group was charged with developing recommendations and innovative strategies for TCPJAC and CEAC on issues including improving juror utilization and identifying effective juror sanction procedures. This resulted in the distribution of *Failure to Appear Toolkit: Increasing Jury Service Participation* to assist trial courts and a study with the National Center for State Courts *Juror Utilization in the Courts*, which contains a number of tools and recommendations related to summoning jurors.

More recently, the TCPJAC has formed a Jury Working Group drawing on JIP staff expertise to reexamine and make recommendations to reduce peremptory challenges and jury sizes in certain cases, with an eye toward legislative change.

Current Staffing Level and Work of the Jury Improvement Program

The JIP, which is a part of the Promising and Effective Programs unit in the Court Operations Special Services Office, is currently and has historically been staffed the majority of the time by

a single Senior Court Services Analyst, whose time generally is dedicated 100% to providing jury-related services,¹ including the following:

- Approximately 30 percent of the staffer's time is spent serving as the subject matter lead on Jury System Improvement issues and as a statewide point of contact for all 58 trial courts on jury issues; responding to internal and external requests for jury-related data and information—from Judicial Council, AOC, trial courts, and public. evaluation of jury-related court rules and practices, as well as newly enacted legislation pertaining to jury issues; developing, distributing, and promoting tools and resources relating to jury service for use by the trial courts; and acting as liaison to courts' Jury Education and Management (JEM) Forum of jury managers statewide.
- Approximately 20 percent is spent providing policy and fiscal analysis concerning recommendations regarding jury system improvement; conducting performance analysis to help determine program goals and next steps for jury improvement projects; maintaining annual, statewide database on key jury performance indicators; and preparing the annual Jury Data Report, which standardizes, collects, and analyzes fundamental measures of jury operations in the trial courts for transmission to the Legislature, the council, court leaders, and the public;
- Approximately 15 percent is spent collaborating with other offices within the AOC, including with Information/Technology Services to improve electronic jury management systems and jury websites in the trial courts; the Legal Services Office to assist courts with interpretation of court rules related to jury service; and the Fiscal Services Office concerning forecasting jury funding needs.
- Approximately 10 percent is spent providing staff support to jury-related advisory bodies, including the current Jury Working Group of the Trial Court Presiding Judges Advisory Committee, by performing ad-hoc research and consultation.
- Approximately 10 percent is spent working collaboratively with staff in the Office of Court Research to evaluate and report on Expedited Jury Trials, as directed by the California Legislature in AB 2284 (Stats. 2010, ch. 674).
- Approximately 10% is spent on ongoing development and maintenance of the jury web site.

¹ On occasion, given the incumbent's expertise in research and analytical methodologies, some percentage of this staffer's time may be dedicated to special projects as required and directed. For example, given the importance of the work and its extreme time-sensitivity, she currently has been authorized to spend up to 40% of her time providing staff support to the Trial Court Funding Working Group.

- Approximately 5 percent is spent supporting the trial courts during the annual Juror Appreciation Week.

The above tasks comprise the scope of work of 1.0 FTE, i.e., they do not require additional staff support to complete. It should be noted, however, that the nature of some of the above work is cyclical, hence the use of approximately percentages. For example, the annual Jury Data Report, the support for Juror Appreciation Week, and the work related to reporting on Expedited Jury Trials all require greater concentrations of effort at certain times of year. The other duties are on-going and can be scaled back and balanced as the cyclical duties require, again obviating the need at this time for additional staff support.

Potential Future Projects for Jury Improvement Program Staff

Subject to resource availability—including staff time and additional funding—there are additional jury-related projects that the JIP could undertake, including:

- **Dissemination of best practices re juror utilization.** In 2009, the Trial Court Presiding Judges Advisory Committee (TCPJAC) and Court Executives Advisory Committee (CEAC) Joint Working Group on Jury Administration (JWGJA) and the AOC commenced a statewide study of juror utilization in the courts. The results of that study could be disseminated to courts statewide in the form of best practices. Online trainings could be used as the mechanism to share the information learned as well as the tools developed.
- **Development of an online juror orientation program.** The Superior Court of Los Angeles County utilizes a Kleps Award-winning online juror orientation program, which offers individuals called to jury service daily an opportunity to complete jury orientation at their convenience and report later on their first day of service. Staff could work with trial court leaders to assess the feasibility of other courts using a similar system.
- **Preparation of jury orientation videos (including possibly updating the juror orientation film, *Ideals Made Real*).** In 2000/2001 the AOC developed a film called *Ideals Made Real*, which was designed to orient jurors appearing in person at a courthouse for jury service. That film could be updated and expanded to include information about the judicial branch, jury service, and how jury service contributes to the work of the judicial branch. Doing so would:
 - Provide an educational resource tool for the courts, jury managers and local public information officers to educate jurors;
 - Provide an educational resource for the courts and local public information officers to conduct outreach into their communities to build support for the local courts, promote

a positive message about jury service and the work of the bench and the bar, and improve juror yield; and

- Provide an educational resource for the Administrative Office of the Courts to, among other things, build support for and promote the work of the trial courts, and advocate for the judicial branch as the third and co-equal branch of government.
- **Updating of jury deliberation pamphlet.** The pamphlet on jury deliberations is an educational pamphlet provided to jurors for purposes of jury deliberations. As resources allow, it should be updated to reflect current law and changes to the judicial branch leadership.

Alternatives to Recommended Action

As noted, this memorandum recommends that you direct that staffing for the JIP be maintained at the current level—one full-time Senior Court Services Analyst—and that, during the next reporting period, staff be directed to report a status of “complete” for Judicial Council directive number 69.

Alternatives for your consideration include reducing or increasing the number of staff dedicated to the JIP. Reduction would presumably entail reassigning some or all of the current JIP staffer’s time to other, more critical projects. In light of the fact that the council specifically acknowledged “the high value of the [Jury Improvement] project to the judicial branch” and the public, however, we do not recommend any reduction in the current level of staffing for the JIP. If some level of reduction is required in light of other critical AOC projects, we recommend that at least 50% of the current JIP staffer’s time remain dedicated to jury-related projects of benefit to the trial courts and the public.

Alternatively, you could direct that additional staff members be reassigned from their current duties to support the JIP. We have not recommended this option in light of current staffing shortages affecting all areas of the AOC, and because the current level of staffing historically has been sufficient to meet the critical needs of the courts. It also bears noting that as to the “potential future projects” identified above, the critical impediment to proceeding with those projects is a lack of funding; additional staff resources alone will not necessarily facilitate going forward with those projects.

APPROVAL

(Please check one)

I approve the recommendation to maintain the current level of staff support for the Jury Improvement Program and direct that, during the next reporting cycle, staff submit a "completed" status for directive number 69 of the directives given by the Judicial Council at its meeting of August 31, 2012.

I approve _____



Hon. Steven Jahr, Administrative Director of the Courts

1/25/13

Date